

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Sections 11-14, 11-14.1, 11-14.2, 11-15, 11-15.1, 11-17.1,  
6 11-18.1, 11-19, 11-19.1, and 11-19.2 as follows:

7 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

8 Sec. 11-14. Prostitution.

9 (a) Any person who performs, offers or agrees to perform  
10 any act of sexual penetration as defined in Section 12-12 of  
11 this Code for any money, property, token, object, or article or  
12 anything of value, or any touching or fondling of the sex  
13 organs of one person by another person, for any money,  
14 property, token, object, or article or anything of value, for  
15 the purpose of sexual arousal or gratification commits an act  
16 of prostitution.

17 (b) Sentence.

18 Prostitution is a Class A misdemeanor. A person convicted  
19 of a second or subsequent violation of this Section, or of any  
20 combination of such number of convictions under this Section  
21 and Sections 11-15, 11-17, 11-18, 11-18.1 and 11-19 of this  
22 Code is guilty of a Class 4 felony. When a person has one or  
23 more prior convictions, the information or indictment charging

1 that person shall state such prior conviction so as to give  
2 notice of the State's intention to treat the charge as a  
3 felony. The fact of such prior conviction is not an element of  
4 the offense and may not be disclosed to the jury during trial  
5 unless otherwise permitted by issues properly raised during  
6 such trial.

7 (c) A person who violates this Section within 1,000 feet of  
8 real property comprising a school commits a Class 4 felony.

9 (d) Notwithstanding the foregoing, if it is determined,  
10 after a reasonable detention for investigative purposes, that a  
11 person suspected of or charged with a violation of this Section  
12 is a person under the age of 18, that person shall be immune  
13 from prosecution for a prostitution offense under this Section,  
14 and shall be subject to the temporary custody provisions of  
15 Section 2-5 of the Juvenile Court Act of 1987. There is a  
16 rebuttable presumption that any person under 18 years of age  
17 engaged in prostitution is abused or neglected within the  
18 meaning of Section 2-3 of the Juvenile Court Act of 1987 and  
19 that it is necessary to place that person in protective custody  
20 until a placement is found that is in the best interests of  
21 that person. Pursuant to the provisions of Section 2-6 of the  
22 Juvenile Court Act of 1987, a law enforcement officer who takes  
23 a person under 18 years of age into custody under this Section  
24 shall immediately report an allegation of "the human  
25 trafficking of a child" to the Illinois Department of Children  
26 and Family Services, which shall conduct an initial

1 investigation into child abuse or child neglect within 14 days.

2 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,  
3 eff. 4-13-00.)

4 (720 ILCS 5/11-14.1)

5 Sec. 11-14.1. Solicitation of a sexual act.

6 (a) Any person who offers a person not his or her spouse  
7 any money, property, token, object, or article or anything of  
8 value for that person or any other person to perform any act of  
9 sexual penetration as defined in Section 12-12 of this Code, or  
10 any touching or fondling of the sex organs of one person by  
11 another person for the purpose of sexual arousal or  
12 gratification, commits the offense of solicitation of a sexual  
13 act.

14 (b) Sentence. Solicitation of a sexual act is a Class B  
15 misdemeanor. Solicitation of a sexual act from a person who is  
16 under the age of 18 or who is severely or profoundly mentally  
17 retarded is a Class 2 felony.

18 (b-5) It is an affirmative defense to a charge of  
19 solicitation of a sexual act with a person who is under the age  
20 of 18 or who is severely or profoundly mentally retarded that  
21 the accused reasonably believed the person was of the age of 18  
22 years or over or was not a severely or profoundly mentally  
23 retarded person at the time of the act giving rise to the  
24 charge.

25 (c) A peace officer who arrests a person for a violation of

1 this Section may impound any vehicle used by the person in the  
2 commission of the offense. In such a case, the additional  
3 provisions of subsection (c) of Section 11-15 shall apply.

4 (Source: P.A. 91-696, eff. 4-13-00.)

5 (720 ILCS 5/11-14.2)

6 Sec. 11-14.2. First offender; felony prostitution.

7 (a) Whenever any person who has not previously been  
8 convicted of or placed on probation for felony prostitution or  
9 any law of the United States or of any other state relating to  
10 felony prostitution pleads guilty to or is found guilty of  
11 felony prostitution, the court, without entering a judgment and  
12 with the consent of such person, may sentence the person to  
13 probation.

14 (b) When a person is placed on probation, the court shall  
15 enter an order specifying a period of probation of 24 months  
16 and shall defer further proceedings in the case until the  
17 conclusion of the period or until the filing of a petition  
18 alleging violation of a term or condition of probation.

19 (c) The conditions of probation shall be that the person:  
20 (1) not violate any criminal statute of any jurisdiction; (2)  
21 refrain from possessing a firearm or other dangerous weapon;  
22 (3) submit to periodic drug testing at a time and in a manner  
23 as ordered by the court, but no less than 3 times during the  
24 period of the probation, with the cost of the testing to be  
25 paid by the probationer; and (4) perform no less than 30 hours

1 of community service, provided community service is available  
2 in the jurisdiction and is funded and approved by the county  
3 board.

4 (d) The court may, in addition to other conditions, require  
5 that the person:

6 (1) make a report to and appear in person before or  
7 participate with the court or such courts, person, or  
8 social service agency as directed by the court in the order  
9 of probation;

10 (2) pay a fine and costs;

11 (3) work or pursue a course of study or vocational  
12 training;

13 (4) undergo medical or psychiatric treatment; or  
14 treatment or rehabilitation by a provider approved by the  
15 Illinois Department of Human Services;

16 (5) attend or reside in a facility established for the  
17 instruction or residence of defendants on probation;

18 (6) support his or her dependents;

19 (7) refrain from having in his or her body the presence  
20 of any illicit drug prohibited by the Cannabis Control Act  
21 or the Illinois Controlled Substances Act, unless  
22 prescribed by a physician, and submit samples of his or her  
23 blood or urine or both for tests to determine the presence  
24 of any illicit drug;

25 (8) (blank). ~~and in addition, if a minor:~~

26 ~~(i) reside with his or her parents or in a foster~~

1           ~~home;~~  
2           ~~(ii) attend school;~~  
3           ~~(iii) attend a non-residential program for youth;~~  
4           ~~(iv) contribute to his or her own support at home~~  
5           ~~or in a foster home.~~

6           (e) Upon violation of a term or condition of probation, the  
7           court may enter a judgment on its original finding of guilt and  
8           proceed as otherwise provided.

9           (f) Upon fulfillment of the terms and conditions of  
10          probation, the court shall discharge the person and dismiss the  
11          proceedings against him or her.

12          (g) A disposition of probation is considered to be a  
13          conviction for the purposes of imposing the conditions of  
14          probation and for appeal, however, discharge and dismissal  
15          under this Section is not a conviction for purposes of this Act  
16          or for purposes of disqualifications or disabilities imposed by  
17          law upon conviction of a crime.

18          (h) There may be only one discharge and dismissal under  
19          this Section.

20          (i) If a person is convicted of prostitution within 5 years  
21          subsequent to a discharge and dismissal under this Section, the  
22          discharge and dismissal under this Section shall be admissible  
23          in the sentencing proceeding for that conviction as evidence in  
24          aggravation.

25          (Source: P.A. 95-255, eff. 8-17-07.)

1 (720 ILCS 5/11-15) (from Ch. 38, par. 11-15)

2 Sec. 11-15. Soliciting for a prostitute.

3 (a) Any person who performs any of the following acts  
4 commits soliciting for a prostitute:

5 (1) Solicits another for the purpose of prostitution;

6 or

7 (2) Arranges or offers to arrange a meeting of persons  
8 for the purpose of prostitution; or

9 (3) Directs another to a place knowing such direction  
10 is for the purpose of prostitution.

11 (b) Sentence. Soliciting for a prostitute is a Class A  
12 misdemeanor. A person convicted of a second or subsequent  
13 violation of this Section, or of any combination of such number  
14 of convictions under this Section and Sections 11-14, 11-17,  
15 11-18, 11-18.1 and 11-19 of this Code is guilty of a Class 4  
16 felony. When a person has one or more prior convictions, the  
17 information or indictment charging that person shall state such  
18 prior conviction so as to give notice of the State's intention  
19 to treat the charge as a felony. The fact of such prior  
20 conviction is not an element of the offense and may not be  
21 disclosed to the jury during trial unless otherwise permitted  
22 by issues properly raised during such trial.

23 (b-5) A person who violates this Section within 1,000 feet  
24 of real property comprising a school commits a Class 4 felony.

25 (c) A peace officer who arrests a person for a violation of  
26 this Section may impound any vehicle used by the person in the

1 commission of the offense. The person may recover the vehicle  
2 from the impound after a minimum of 2 hours after arrest upon  
3 payment of a fee of \$1,000 ~~\$200~~. The fee shall be distributed  
4 to the unit of government whose peace officers made the arrest  
5 for a violation of this Section. This \$1,000 ~~\$200~~ fee includes  
6 the costs incurred by the unit of government to tow the vehicle  
7 to the impound. Upon the presentation of a signed court order  
8 by the defendant whose vehicle was impounded showing that the  
9 defendant has been acquitted of the offense of soliciting for a  
10 prostitute or that the charges have been dismissed against the  
11 defendant for that offense, the municipality shall refund the  
12 \$1,000 ~~\$200~~ fee to the defendant.

13 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16,  
14 eff. 6-28-01.)

15 (720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)

16 Sec. 11-15.1. Soliciting for a minor engaged in  
17 prostitution ~~Juvenile Prostitute~~.

18 (a) Any person who violates any of the provisions of  
19 Section 11-15(a) of this Act commits soliciting for a minor  
20 engaged in prostitution ~~juvenile prostitute~~ where the person  
21 ~~prostitute~~ for whom such person is soliciting is under 18 ~~17~~  
22 years of age or is a severely or profoundly mentally retarded  
23 person.

24 (b) It is an affirmative defense to a charge of soliciting  
25 for a minor engaged in prostitution ~~juvenile prostitute~~ that

1 the accused reasonably believed the person was of the age of 18  
2 ~~17~~ years or over or was not a severely or profoundly mentally  
3 retarded person at the time of the act giving rise to the  
4 charge.

5 (c) Sentence.

6 Soliciting for a minor engaged in prostitution ~~juvenile~~  
7 ~~prostitute~~ is a Class 1 felony.

8 (Source: P.A. 95-95, eff. 1-1-08.)

9 (720 ILCS 5/11-17.1) (from Ch. 38, par. 11-17.1)

10 Sec. 11-17.1. Keeping a Place of Juvenile Prostitution.

11 (a) Any person who knowingly violates any of the provisions  
12 of Section 11-17 of this Act commits keeping a place of  
13 juvenile prostitution when any person engaged in prostitution  
14 ~~prostitute~~ in the place of prostitution is under 18 ~~17~~ years of  
15 age.

16 (b) If the accused did not have a reasonable opportunity to  
17 observe the person, it ~~is~~ is an affirmative defense to a charge  
18 of keeping a place of juvenile prostitution that the accused  
19 reasonably believed the person was of the age of 18 ~~17~~ years or  
20 over at the time of the act giving rise to the charge.

21 (c) Sentence. Keeping a place of juvenile prostitution is a  
22 Class 1 felony. A person convicted of a second or subsequent  
23 violation of this Section is guilty of a Class X felony.

24 (d) Forfeiture. Any person convicted under this Section is  
25 subject to the property forfeiture provisions set forth in

1 Article 124B of the Code of Criminal Procedure of 1963.

2 (Source: P.A. 95-95, eff. 1-1-08; 96-712, eff. 1-1-10.)

3 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

4 Sec. 11-18.1. Patronizing a minor engaged in prostitution  
5 ~~juvenile prostitute~~. (a) Any person who engages in an act of  
6 sexual penetration as defined in Section 12-12 of this Code  
7 with a person engaged in prostitution who is ~~prostitute~~ under  
8 18 ~~17~~ years of age commits the offense of patronizing a minor  
9 engaged in prostitution ~~juvenile prostitute~~.

10 (b) It is an affirmative defense to the charge of  
11 patronizing a minor engaged in prostitution ~~juvenile~~  
12 ~~prostitute~~ that the accused reasonably believed that the person  
13 was of the age of 18 ~~17~~ years or over at the time of the act  
14 giving rise to the charge.

15 (c) Sentence. A person who commits patronizing a juvenile  
16 prostitute is guilty of a Class 1 ~~4~~ felony.

17 (d) A peace officer who arrests a person for a violation of  
18 this Section may impound any vehicle used by the person in the  
19 commission of the offense. In such a case, the additional  
20 provisions of subsection (c) of Section 11-15 shall apply.

21 (Source: P.A. 85-1447.)

22 (720 ILCS 5/11-19) (from Ch. 38, par. 11-19)

23 Sec. 11-19. Pimping.

24 (a) Any person who receives any money, property, token,

1 object, or article or anything of value from a prostitute or  
2 from a person who patronizes a prostitute, not for a lawful  
3 consideration, knowing it was earned or paid in whole or in  
4 part from or for the practice of prostitution, commits pimping.  
5 The foregoing shall not apply to a person engaged in  
6 prostitution who is under 18 years of age. A person cannot be  
7 convicted of pimping under this Section if the practice of  
8 prostitution underlying such offense consists exclusively of  
9 the accused's own acts of prostitution under Section 11-14 of  
10 this Code.

11 (b) Sentence.

12 Pimping is a Class A misdemeanor. A person convicted of a  
13 second or subsequent violation of this Section, or of any  
14 combination of such number of convictions under this Section  
15 and Sections 11-14, 11-15, 11-17, 11-18 and 11-18.1 of this  
16 Code is guilty of a Class 4 felony. When a person has one or  
17 more prior convictions, the information or indictment charging  
18 that person shall state such prior conviction so as to give  
19 notice of the State's intention to treat the charge as a  
20 felony. The fact of such conviction is not an element of the  
21 offense and may not be disclosed to the jury during trial  
22 unless otherwise permitted by issues properly raised during  
23 such trial.

24 (c) A person who violates this Section within 1,000 feet of  
25 real property comprising a school commits a Class 4 felony.

26 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,

1 eff. 4-13-00.)

2 (720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)

3 Sec. 11-19.1. Juvenile Pimping and aggravated juvenile  
4 pimping.

5 (a) A person commits the offense of juvenile pimping if the  
6 person knowingly receives any form of consideration derived  
7 from the practice of prostitution, in whole or in part, and

8 (1) the prostituted person ~~prostitute~~ was under the age  
9 of 18 ~~17~~ at the time the act of prostitution occurred; or

10 (2) the prostitute was a severely or profoundly  
11 mentally retarded person at the time the act of  
12 prostitution occurred.

13 (b) A person commits the offense of aggravated juvenile  
14 pimping if the person knowingly receives any form of  
15 consideration derived from the practice of prostitution, in  
16 whole or in part, and the prostituted person ~~prostitute~~ was  
17 under the age of 13 at the time the act of prostitution  
18 occurred.

19 (c) If the accused did not have a reasonable opportunity to  
20 observe the prostituted person, it ~~is~~ is an affirmative defense  
21 to a charge of juvenile pimping that the accused reasonably  
22 believed the person was of the age of 18 ~~17~~ years or over or was  
23 not a severely or profoundly mentally retarded person at the  
24 time of the act giving rise to the charge.

25 (d) Sentence.

1 A person who commits a violation of subsection (a) is  
2 guilty of a Class 1 felony. A person who commits a violation of  
3 subsection (b) is guilty of a Class X felony.

4 (e) For the purposes of this Section, "prostituted person"  
5 means any person who engages in, or agrees or offers to engage  
6 in, conduct prohibited by subsection (a) of Section 11-14 of  
7 this Code.

8 (Source: P.A. 95-95, eff. 1-1-08.)

9 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

10 Sec. 11-19.2. Exploitation of a child.

11 (A) A person commits exploitation of a child when he or she  
12 confines a child under the age of 18 ~~16~~ or a severely or  
13 profoundly mentally retarded person against his or her will by  
14 the infliction or threat of imminent infliction of great bodily  
15 harm, permanent disability or disfigurement or by  
16 administering to the child or severely or profoundly mentally  
17 retarded person without his or her consent or by threat or  
18 deception and for other than medical purposes, any alcoholic  
19 intoxicant or a drug as defined in the Illinois Controlled  
20 Substances Act or the Cannabis Control Act or methamphetamine  
21 as defined in the Methamphetamine Control and Community  
22 Protection Act and:

23 (1) compels the child or severely or profoundly  
24 mentally retarded person to engage in prostitution ~~become a~~  
25 ~~prostitute~~; or

1           (2) arranges a situation in which the child or severely  
2           or profoundly mentally retarded person may practice  
3           prostitution; or

4           (3) receives any money, property, token, object, or  
5           article or anything of value from the child or severely or  
6           profoundly mentally retarded person knowing it was  
7           obtained in whole or in part from the practice of  
8           prostitution.

9           (B) For purposes of this Section, administering drugs, as  
10          defined in subsection (A), or an alcoholic intoxicant to a  
11          child under the age of 13 or a severely or profoundly mentally  
12          retarded person shall be deemed to be without consent if such  
13          administering is done without the consent of the parents or  
14          legal guardian or if such administering is performed by the  
15          parents or legal guardians for other than medical purposes.

16          (C) Exploitation of a child is a Class X felony, for which  
17          the person shall be sentenced to a term of imprisonment of not  
18          less than 6 years and not more than 60 years.

19          (D) Any person convicted under this Section is subject to  
20          the property forfeiture provisions set forth in Article 124B of  
21          the Code of Criminal Procedure of 1963.

22          (Source: P.A. 95-640, eff. 6-1-08; 96-712, eff. 1-1-10.)

23          Section 10. The Code of Criminal Procedure of 1963 is  
24          amended by changing Section 108B-3 as follows:

1 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

2 Sec. 108B-3. Authorization for the interception of private  
3 communication.

4 (a) The State's Attorney, or a person designated in writing  
5 or by law to act for him and to perform his duties during his  
6 absence or disability, may authorize, in writing, an ex parte  
7 application to the chief judge of a court of competent  
8 jurisdiction for an order authorizing the interception of a  
9 private communication when no party has consented to the  
10 interception and (i) the interception may provide evidence of,  
11 or may assist in the apprehension of a person who has  
12 committed, is committing or is about to commit, a violation of  
13 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation  
14 of murder for hire), 9-1 (first degree murder), 10-9  
15 (trafficking of persons and involuntary servitude), 11-15.1  
16 (soliciting for a minor engaged in prostitution), 11-16  
17 (pandering), 11-17.1 (keeping a place of juvenile  
18 prostitution), 11-18.1 (patronizing a minor engaged in  
19 prostitution), 11-19.1 (juvenile pimping and aggravated  
20 juvenile pimping), 16G-15 (identity theft), 16H-45 (conspiracy  
21 to commit a financial crime), 17-3 (forgery), 17-24 (fraudulent  
22 schemes and artifices), or 29B-1 (money laundering) of the  
23 Criminal Code of 1961, Section 401, 401.1 (controlled substance  
24 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of  
25 the Illinois Controlled Substances Act or any Section of the  
26 Methamphetamine Control and Community Protection Act, a

1 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,  
2 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),  
3 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the  
4 Criminal Code of 1961 or conspiracy to commit money laundering  
5 or conspiracy to commit first degree murder; (ii) in response  
6 to a clear and present danger of imminent death or great bodily  
7 harm to persons resulting from: (1) a kidnapping or the holding  
8 of a hostage by force or the threat of the imminent use of  
9 force; or (2) the occupation by force or the threat of the  
10 imminent use of force of any premises, place, vehicle, vessel  
11 or aircraft; (iii) to aid an investigation or prosecution of a  
12 civil action brought under the Illinois Streetgang Terrorism  
13 Omnibus Prevention Act when there is probable cause to believe  
14 the interception of the private communication will provide  
15 evidence that a streetgang is committing, has committed, or  
16 will commit a second or subsequent gang-related offense or that  
17 the interception of the private communication will aid in the  
18 collection of a judgment entered under that Act; or (iv) upon  
19 information and belief that a streetgang has committed, is  
20 committing, or is about to commit a felony.

21 (b) The State's Attorney or a person designated in writing  
22 or by law to act for the State's Attorney and to perform his or  
23 her duties during his or her absence or disability, may  
24 authorize, in writing, an ex parte application to the chief  
25 judge of a circuit court for an order authorizing the  
26 interception of a private communication when no party has

1 consented to the interception and the interception may provide  
2 evidence of, or may assist in the apprehension of a person who  
3 has committed, is committing or is about to commit, a violation  
4 of an offense under Article 29D of the Criminal Code of 1961.

5 (b-1) Subsection (b) is inoperative on and after January 1,  
6 2005.

7 (b-2) No conversations recorded or monitored pursuant to  
8 subsection (b) shall be made inadmissible in a court of law by  
9 virtue of subsection (b-1).

10 (c) As used in this Section, "streetgang" and  
11 "gang-related" have the meanings ascribed to them in Section 10  
12 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.